

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENJAMIN SAMUEL RICH,
formerly known as Samuel Guillaume,

Plaintiff,

-against-

STATE OF NEW YORK et al.,

Defendants.

ANALISA TORRES, District Judge:

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21 Civ. 3835 (AT) (GWG)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

On March 12, 2021, Plaintiff *pro se*, Benjamin Samuel Rich, filed this action, alleging that he was falsely arrested on January 27, 2016. ECF No. 1. On May 4, 2022, Plaintiff amended his complaint. ECF No. 55. Following a motion to dismiss, the only remaining defendants are Defendants Michael Miller and Vincent Corrado, who are both NYPD detectives. ECF Nos. 77–78. On July 19, 2023, Defendants moved for summary judgment pursuant to Fed. R. Civ. P. 56, claiming that Plaintiff—while incarcerated—had signed a general release barring his claims. ECF Nos. 121–25. On July 20, 2023, the Court referred the motion to Magistrate Judge Gabriel W. Gorenstein. ECF No. 126.


After careful consideration, Judge Gorenstein issued a Report and Recommendation (“R&R”), proposing that Defendants’ motion be denied. R&R, ECF No. 132. Plaintiff contends that he “did not sign or authorize the signing” of the general release, and Judge Gorenstein held that this remains a disputed issue of fact. *Id.* at 10–11. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *Id.* at 12; *see* Fed. R. Civ. P. 72(b)(2). When no objection is made, the Court reviews the R&R for clear error. *See Whitley v. Bowden*, No. 17 Civ. 3564, 2019 WL 1953941, at *1 (S.D.N.Y. May 1, 2019) (collecting cases). The Court finds no clear error.

Accordingly, the Court ADOPTS Judge Gorenstein’s R&R in its entirety. Defendants’ motion for summary judgment is DENIED.

The Clerk of Court is directed to terminate the motion at ECF No. 121.

SO ORDERED.

Dated: December 22, 2023
New York, New York



ANALISA TORRES
United States District Judge